

REMARKS

The listing of claims presented herein cancels claims 12-19, 27-29, 31-33, and 41, amends claim 40, and adds new claims 44-58. With entry of this Amendment, claims 1-6, 8-10, 34-40, and 42-58 are pending.

In the Notice of Non-Responsive Amendment, the Examiner noted that Applicants' amendment filed June 4, 2003, referred to both the amendment and cancellation of claims 11 and 30. Applicants confirm that, as reflected in the listing of claims presented herein, claims 11 and 30 have been cancelled.

The Examiner also indicated that there were pending claims that depended from cancelled claim 11. Applicants have cancelled claims 12-19, 27-29, 31-33, and 41 herein, and replaced them with new claims 44-58 in order to ensure that all dependent claims depend from a claim with an earlier claim number. New claims 44-58 are otherwise the same as the cancelled claims 12-19, 27-29, 31-33, and 41, with the exception that claim 58 depends from claim 53, which corresponds to cancelled claim 28, whereas cancelled claim 41 depended from claim 25, which has been cancelled.

For the Examiner's convenience, the correlation between the cancelled and new claims is provided in the following table.

Number of Cancelled Claim	Number of Corresponding New Claim
12	44
13	45
14	46

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Number of Cancelled Claim	Number of Corresponding New Claim
15	47
16	48
17	49
18	50
19	51
27	52
28	53
29	54
31	55
32	56
33	57
41	58

The Examiner also noted that Claim 2 was amended in the Amendment filed June 4, 2003, so as to, among other things, delete the recitation of "RD9: *cobL*, Rv2073c, Rv2074, Rv2075c," and replace it with the recitation of "the nucleotide or polynucleotide sequence is present in nucleotide region . . . RD9" Because applicants had provisionally elected to prosecute Group I, claims 1 and 2 (drawn to nucleic acids), with traverse, and also provisionally elected to prosecute the molecules of Group E in claim 2 (RD9: *cobL*, Rv2073c, Rv2074, Rv2075c), with traverse, the

Examiner asked for clarification as to whether applicants' amendment of claim 2 changed the scope of the elected subject matter.

Specifically, the Examiner first asked applicants to clarify "a) the identity of the elected molecules (e.g., to identify a particular one of the molecules in RD9, to indicate that the elected invention remains the group of molecules in RD9 that were previously referred to, etc.)." In response, applicants note that claim 40, as amended herein, comprises part E, which recites "*cobL*, Rv2073c, Rv2074, or Rv2075c, of nucleotide region RD9." Thus, part E of claim 40 is directed to the same four molecules in RD9 as applicants have previously provisionally elected. Applicants maintain that provisional election, but maintain, respectfully, that the restriction and election requirements should be withdrawn in view of the amendments to the claims that have been made since the requirements were first made, for the reasons described in applicants' Response filed June 4, 2003.

The Examiner also asked applicants to provide "b) a listing of those claims (including those subsequently added) that are readable on the elected invention." In response, applicants submit that now-pending claims 1, 2, and 35-40 correspond to elected Group I, while claims 1, 2, 38, and 40 encompass the molecules of Group E.

In view of the foregoing amendments and remarks, applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims 1-6, 8-10, 34-40, and 42-58.

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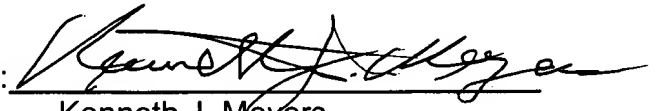
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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